

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

| | | |
|------------------------------------|---|-------------------------------|
| KIMBERLEE WILLIAMS, et al., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | Case No. 2:11-cv-1754-JLL-JAD |
| | : | |
| BASF CATALYSTS LLC, et al., | : | |
| | : | |
| Defendants. | : | |
| | : | |

**ORDER FROM SPECIAL MASTER
RE ECF NO. 001 (Case No. 1:17-mc-00015, N.D. Ohio)
TRANSFERRED TO CASE NO. 2:11-CV-1754, D.N.J.**

THIS MATTER having been opened by the March 20, 2017 application of defendant BASF Catalysts LLC (“BASF”) (Thompson Hine, LLP, Kirkland & Ellis LLP and Robinson Miller LLC, appearing), filed under Case No. 1:17-mc-00015 in the United States District Court for the Northern District of Ohio, Eastern Division and then transferred to this court and case number, seeking to enforce a subpoena *duces tecum* served on Bevan & Associates L.P.A. and Thomas W. Bevan, Esq. (collectively, “Bevan”) [ECF No. 1, Case No. 1:17-mc-00015, N.D. Ohio];

AND, on April 3, 2017, plaintiffs Kimberlee Williams, Nancy Pease, Marilyn L. Holley, Donna Ware, Donnette Wengerd, and Rosanne Chernick, each in their capacity as the personal representative of a decedent and as representatives of others similarly situated (“plaintiffs”) (Bevan & Associates L.P.A., Inc., Cohen, Placitella & Roth, P.C., and Fox

Rothschild LLP, appearing), having filed their opposition thereto [ECF No. 9, , Case No. 1:17-mc-00015, N.D. Ohio];

AND, on April 6, 2017, Bevan (Levy Konigsberg, LLP, appearing) having filed their response to BASF's motion to enforce the subpoena *duces tecum* served on Bevan [ECF No. 279];

AND, on April 24, 2017, BASF having filed its consolidated response to the opposition to its motion to enforce a subpoena *duces tecum* served on Bevan [ECF No. 295];

AND, on October 26, 2017, defendants Cahill Gordon & Reindel LLP, Howard G. Sloane, and Ira J. Dembrow (Williams & Connolly LLP and Connell Foley LLP, appearing), having orally joined in BASF's application;

AND, oral argument on the foregoing having been heard on October 26, 2017;

AND, the written and oral submissions of the parties having been considered;

AND, for the reasons set forth on the record on October 26, 2017;

AND, for good cause appearing;

IT IS, this 26th day of October, 2017, hereby

1. ORDERED that BASF's application be, and the same hereby is,

GRANTED IN PART and DENIED IN PART; and it is hereby

2. FURTHER ORDERED that, in respect of the files of any of the

representative plaintiffs named in this action maintained by Bevan, Christopher M. Placitella, Esq. be, and the same hereby is **ORDERED** that he shall

(a) review all such files retained by Bevan and cause each page to be

Bates-numbered;

- (b) segregate the documents contained in those files into two categories: non-privileged documents and documents under a claim of privilege;
- (c) generate a privilege log listing any document in those files in respect of which a privilege is claimed;
- (d) by no later than November 2, 2017, electronically transfer to Eugene F. Asssaf, P.C. copies of all non-privileged documents in those files and the privilege log in respect of each of those files, all in portable document format (.pdf) with optical character recognition (OCR);
- (e) by no later than November 2, 2017, electronically transfer to the special master copies of all documents in those files in respect of which a privilege is claimed and the privilege log in respect of each of those files, all in .pdf format (.pdf) with OCR; and it is hereby

3. FURTHER ORDERED that, in respect of the files of any putative plaintiffs in this action maintained by Bevan, Christopher M. Placitella, Esq. be, and the same hereby is, **ORDERED** that he shall

- (a) randomly and arbitrarily select thirty (30) of such files retained by Bevan and cause each page in the randomly and arbitrarily selected files to be Bates-numbered;
- (b) segregate the documents contained in those files into two categories: non-privileged documents and documents under a claim of privilege;
- (c) generate a privilege log listing any document in those files in respect of which a privilege is claimed;

(d) by no later than November 27, 2017, electronically transfer to Eugene F. Asssaf, P.C. copies of all non-privileged documents in those files and the privilege log in respect of each of those files, all in .pdf format with OCR;

(e) by no later than November 27, 2017, electronically transfer to the special master copies of all documents in those files in respect of which a privilege is claimed and the privilege log in respect of each of those files, all in .pdf format with OCR; and it is hereby

4. FURTHER ORDERED that, save and except as otherwise granted by this order, BASF's application be, and the same hereby is, **DENIED WITHOUT PREJUDICE.**

/s/ Roberto A. Rivera-Soto

Roberto A. Rivera-Soto
Special Master